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Chapter 3
Enforcement

POLICY AND PROCEDURE
BIAS BASED PROFILING
and
STATISTICAL REPORTING of TRAFFIC STOPS

I. PURPOSE:

The purpose of this policy is to provide clear guidelines to personnel of the Newtown Department of Police Services concerning bias based profiling, data collection of motor vehicle stops, and the prohibition of certain police actions.

II. DEFINITIONS:

Bias Based Profiling – The selection of individuals based solely on a common trait of a group. This includes but is not limited to race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group or any other identifiable groups.

Stopping – Means the detention of an individual operating a motor vehicle through the use of a traditional police traffic pullover or the use of verbal police authority to detain an individual on foot.

III. POLICY:

It is the policy of the Newtown Department of Police Services that its personnel, both sworn and civilian are prohibited from stopping, detaining or searching any person when the basis for such stop, detention or search is solely motivated by bias based profiling. In addition, this agency prohibits bias based profiling in terry stops or other field contacts, and prohibits bias based profiling in asset seizure and asset forfeiture events.

Traffic stops and investigative detentions are vital to the police patrol function in that they not only deter traffic violations but also criminal activity. Sworn department members are encouraged to use these law enforcement tools within the confines of the law. All department members shall treat the public with courtesy and respect, notwithstanding appropriate verbal commands under appropriate circumstances.

A sworn department member may stop a motor vehicle upon reasonable suspicion that the driver or other occupant committed a motor vehicle violation or other violation of law. All such stops, whether enforcement was taken or not taken, must be documented using

department-approved forms (Traffic Stop Statistical Report Form). This does not preclude an officer from stopping a vehicle to offer assistance such as telling an operator there is something leaking from their car or that they have a soft tire. Such stops should be verbally reported to communications personnel as a “motorist assist”, “stranded motorist”, or “notification” rather than a “motor vehicle stop.”

When conducting a motor vehicle stop or an investigative detention a department member will notify emergency communications of the stop and their location. The dispatcher will log the stop in the computer-aided dispatch system.

When a vehicle is subject to a stop the department member initiating such stop shall complete a motor vehicle statistics form, in print (attachment A), or electronically when available, to record personal identifying information about the operator of the motor vehicle that was stopped, the location of the stop, the reason for the stop and any other information that is required on such form. This information shall be based on the observation and perception of the department member responsible for the stop. The information shall not be required to be provided by the by person stopped. All paper forms shall be turned into the sergeant prior to the end of their tour of duty who will review the form for accuracy, timeliness and thoroughness. Completed forms will be forwarded to the records division for databasing.

Traffic stops shall be documented with a field incident report if:

1. There is a search of the vehicle or occupants
2. There is use of force by any officer
3. The vehicle is towed from the scene
4. The driver or occupant(s) say they are going to make a citizen’s complaint

Traffic stops do not have to be documented with a traffic stop statistics form for planned event type stops such as DUI spot checks, and Seat Belt checkpoints.

Initially and periodically, officers will receive training in this policy as well as bias based profiling issues. It will include the legal aspects of bias based profiling.

Each year records personnel will compile statistics on traffic stops and any citizen complaints of bias based profiling. The administrative Lieutenant will review said statistics for indications of biased based profiling. If there is any indication of bias based profiling, or if bias based profiling occurs within this agency, the administrative Lieutenant will, at a minimum, bring it to the attention of police management immediately, cease the practice immediately, and begin to formulate a training plan to eliminate the bias based profiling. Thereafter, the agency will closely monitor and inspect officer actions to determine if the bias based profiling is still occurring.